

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SEBASTIAN LARRY LUBERS,

Defendant.

CASE NO. CR10-103RAJ

ORDER

Before the Court are the following motions, which have been filed by Defendant Sebastian Larry Lubers:

1. Motion Regarding 7-Month Reduction in Sentence Due to Violation of Plea Agreement and Criminal History Category III (Dkt. #222);
2. Motion Requesting a Certificate of Appealability, or Granting Appeal in 9th Circuit if Defendant's Motion Pro Se (Dkt. #222) to Reduce Sentence Due to Violation of Plea Agreement and Change of Criminal History Score is Denied (Dkt. #224);
3. Motion for Reconsideration of Defendant's Motion Requesting All Motions and Hearings to be Sealed (Dkt. #225);

1 4. Motion for Reduction in Sentence Beyond the 7-Month Relief Requested

2 (Dkt. #226);

3 5. Motion Requesting a Hearing and To Be Able to Be Heard Orally

4 (Dkt. #226-1);

5 6. Unopposed Motion for Reduced Sentence for Violation of Plea Agreement

6 and Criminal History Category Level III (Dkt. #230);

7 7. Motion Requesting a Hearing Because Motions by Government Are Making

8 Argument Confusing and Its Subject is Violation of Plea Agreement

9 Unopposed Motion (Dkt. #232); and

10 8. Motion – Attorney Terrence Kellogg Unopposed Motion of Government’s

11 Violation of Plea Agreement, Placed Before the Court 3/31/2017 (Dkt. #233).

12 Mr. Lubers is represented by counsel, Terrence Kellogg. As such, Mr. Lubers

13 may not file further *pro se* motions unless he complies with the requirements of Local

14 Civil Rule 83.2(b)(5). *See* Local Rules W.D. Wash. LCrR 1(a) (adopting Local Rules

15 W.D. Wash. LCR 83.2(b) for criminal proceedings); Local Rules W.D. Wash. LCR

16 83.2(b)(5) (requiring a represented party that seeks to appear or act *pro se* to “request[]

17 by motion to proceed on his or her own behalf, certif[y] in the motion that he or she has

18 provided copies of the motion to his or her current counsel and to the opposing party, and

19 [receive from the court] an order of substitution by the court terminating the party’s

20 attorney”); *see also United States v. Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981) (“A

21 criminal defendant does not have an absolute right to both self-representation and the

22 assistance of counsel. . . . Whether to allow hybrid representation remains within the

1 sound discretion of the trial judge.”); *United States v. Durden*, 673 F. Supp. 308, 309
2 (N.D. Ind. 1987) (citing *Halbert*, 640 F.2d at 1009) (exercising the discretion to decline
3 to consider a represented criminal defendant’s *pro se* motion). The Court directs Mr.
4 Lubers to contact his counsel to discuss the relief he requests.

5 Because Mr. Lubers continues to improperly file motions *pro se*, the Court
6 STRIKES the above motions from the docket.

7 DATED this 28th day of May, 2019.

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10 The Honorable Richard A. Jones
11 United States District Judge
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